

REMARKS

The Office Action of May 9, 2008, has been reviewed and in view of the above amendments and the following remarks, reconsideration and allowance are earnestly solicited.

At the outset, Applicants note the Examiner's objection under 37 CFR 1.172(a) regarding the lack of written consent of all assignees owning an undivided interest in the patent. Applicants respectfully submit that the Offer to Surrender and Consent of Assignee was submitted on June 16, 2004, as evidenced by the copy of the PTO Postcard Receipt attached hereto. Nevertheless, a copy of the same is also submitted herewith for the Examiner's convenience. The Offer to Surrender and Consent of Assignee indicates that Tetra Laval Holdings & Finance S.A. is the owner by assignment of the entire title to U.S. Patent No. 6,367,375 and that Tetra Laval Holdings & Finance S.A. consents to the application for reissue of said patent. Accordingly, Applicants respectfully contend that the Examiner's objection should be withdrawn.

Claims 1-19 are pending in this application. None of the original patent claims, nor any of the claims previously added in this reissue application, are canceled. In the present Amendment, Claims 1, 7, 10 and 12 are amended. Set forth below is an explanation of the support in the disclosure of the patent for the changes made to those claims.

Claim 1 has been amended to undelete the term --by welding--. Support for this amendment is found in the language of the original patent claim. Thus, no amendment in fact has been made with respect to the original patent claim *vis-à-vis* the term "by welding". Claim 7 has been amended to recite that the plurality of

transverse knives extending transversely between the girders are secured to the girders --by welding--. Similarly, Claim 10 has been amended to recite that the plurality of transverse knives extending transversely between the girders are secured to the girders --by welding-- and Claim 12 has been amended to recite that the transverse knives are connected to the girders --by welding--. Support for the amendments to Claims 7, 10 and 12 can be found in the language of original Claim 1 of the patent as well as the description set forth at Col. 3, lines 25-28, indicating that the "cutting frame comprises two parallel frame girders 21, between which transverse knives 22 extend transversely to the longitudinal girders 21, which transverse knives 22 are welded to the frame girders."

In the above Official Action, Claims 1-16 were rejected under 35 U.S.C. §112, as failing to comply with the written description requirement and enablement requirements. Although the rejection only addresses Claims 1-16, Applicants assume that it was the Examiner's intention to rejection all pending Claims 1-19. The rejection under Section 112 was based upon the deletion of the term "by welding" from the original patent Claim 1, and the lack of the same recitation in the newly added independent Claims 7, 10 and 12. In response thereto, Claim 1 has been amended to undelete the term "by welding". Accordingly, with respect to this term, no changes have been made to Claim 1 relative to the original patent language. In view of the Examiner's rejection and in the interest of expediting prosecution of the present application, independent claims 7, 10 and 12 have been further amended to recite that securement or connection of the transverse to the girders is by welding. Accordingly, Applicants respectfully contend that the rejections under Section 112 have been obviated.

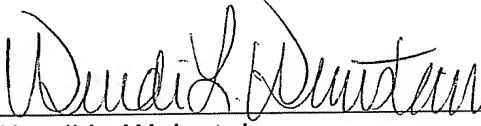
As set forth in the above Official Action, the Examiner also contends that the reissue oath/declaration filed with the application is defective because *one of the errors* which is relied upon to support the reissue application is not an error upon which a reissue can be based. In view of the above amendments, it is believed that the claims in this application are in condition for allowance. Upon such indication, a Supplemental Reissue Declaration will be submitted taking into consideration the Examiner's comments regarding the same.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application; the Examiner is kindly invited to call the undersigned counsel for Applicant regarding the same.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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